

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NICK LOGAN,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 17-910
)	
)	
ALLEGHENY COUNTY DISTRICT)	
ATTORNEY OFFICE, et al.,)	
Respondents.)	

MEMORANDUM OPINION

Petitioner Nick Logan (“petitioner”) filed a petition for a writ of habeas corpus (ECF No. 1), and the respondents filed a motion to dismiss the petition (ECF No. 16). The petitioner filed motions to appoint counsel (ECF No. 18) and for discovery (ECF No. 20). A Report and Recommendation (“R&R”) (ECF No. 21) was filed by the United States Magistrate Judge granting the motion to dismiss, denying the other motions as moot, and granting the parties a period of time after being served with a copy of the R&R to file written objections thereto. The petitioner filed objections to the R&R (ECF No. 22), which are now properly before this court.

Petitioner objects to the magistrate judge’s determination that he cannot obtain habeas relief with respect to his convictions at CC-02-CR-264-1992 and CC-02-CR-266-1992 (together with the conviction at CC-02-CR-264-1992, the “1992 convictions”) because he was not “in custody” with respect to those convictions when he filed the petition in this case. (*Id.* at 1; ECF No. 21 at 4 (citing *Lackawanna Cnty. v. Coss*, 532 U.S. 394, 401 (2001).) While petitioner is currently incarcerated on later committed offenses, his sentence for the 1992 convictions was completed prior to his filing of the petition in this case. (App’x at 782, 877-80; ECF No.1.) Under those circumstances, the

magistrate judge did not err when he recommended that the motion to dismiss the petition be granted.

The court will adopt the R&R as the opinion of this court. (ECF No. 21.) The motion to dismiss the petition for a writ of habeas corpus (ECF No. 16) will be granted. The motion to appoint counsel (ECF No. 18) and motion for discovery (ECF No. 20) will be dismissed as moot. An appropriate order will be entered.

The Clerk shall mark this case closed.

BY THE COURT,

Dated: February 20, 2018

/s/ JOY FLOWERS CONTI
Joy Flowers Conti
Chief United States District Judge

cc: Nick Logan
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